

REMARKS

In response to the final office action dated March 1, 2005, and in conjunction with an RCE, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented before are in condition for allowance.

Claims 1-2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Sakya et al., US2003/0125368 (hereinafter "Sakya") and Pascal et al., EP 1,099,695 (hereinafter "Pascal") for the reasons stated on pages 2-4 of the office action. Applicants respectfully traverse.

The Examiner has stated on page 4 of the office action that applicants have failed to establish any unexpected or unobvious properties for the instant compound vis-à-vis the prior art compounds.

A prima facie case of obviousness based on structural similarity is rebuttable by proof that the claimed compound possesses unexpectedly advantageous or superior properties. *In re Papesch*, 315 F.2d 381, 137 USPQ 43 (CCPA 1963). Evidence that a compound is unexpectedly superior in one of a spectrum of common properties...can be enough to rebut a prima facie case of obviousness. *In re Chupp*, 816 F.2d 643, 646, 2 USPQ2d 1437, 1439 (Fed. Cir. 1987). Applicants submit a declaration under 37 CFR 1.132 to establish unexpected and unobvious properties for the claimed compound,

As shown in the declaration, the claimed compound is unexpectedly superior in inhibiting COX-2 in comparison with the compound of Pascal and the Sakay. The claimed compound further shows the unexpectedly superior in selectivity for inhibiting COX-2 over COX-1. Therefore, the obviousness based on structural similarity is rebutted by the unexpectedly superior properties of the claimed compounds. Thus, the combination of Sakay and Pascal does not render independent claim 1 obvious. Claim 2 is believed to be allowable due to its dependency on claim 1.

In view of the forgoing amendments and remarks, Applicants submit that this application is in condition for allowance. Early notification to this effect is requested.

If there are any charges due in connection with this response, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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